

(36C-2-205)

SUPPLEMENTAL NORTH CAROLINA COMMENT (2020)

In *Keith v. Wallerich*, 201 N.C. App. 550, 687 S.E.2d 299 (2009), the Court of Appeals stated: “A proceeding by a trustee for the purpose of resigning his trust is a special proceeding.” Citing a 1950 case in support of this statement, the Court of Appeals apparently overlooked G.S. 36C-2-205(a) which provides that all trust proceedings before the clerk are estate proceedings, not special proceedings. G.S. 36C-2-205 was effective in 2006 and, therefore, supersedes the case cited by the Court of Appeals.